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**OCT 25 2005**

**OFFICE OF PETITIONS**

In re Application of :  
Cristi Nesbitt Ullmann et al :  
Application No. 10/047,095 : DECISION GRANTING PETITION  
Filed: January 15, 2002 : UNDER 37 CFR 1.137(a)  
Attorney Docket No. AUS920010906.US1 :

This is a decision on the petition under 37 CFR 1.137(a), filed October 11, 2005, to accept an unavoidably delayed reply and to revive the above-identified application.

The petition is GRANTED.


The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed January 4, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on April 5, 2005.

Petitioner asserts that failure to timely reply was caused by failure to receive the non-final Office action of January 4, 2005 and has proffered evidence in support thereof. Additionally, the petition is accompanied by the reply to the outstanding Office action.

The showing presented is sufficient to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a). Accordingly, the reply to the non-final Office action of January 4, 2005 is accepted as having been unavoidably delayed.

Inquiries concerning this decision on petition should be directed to the undersigned at (571) 272-3218. Inquiries concerning the examination procedures or status of this application should be directed to the Technology Center.

This matter is being referred to Technology Center AU 2151 for appropriate action on the concurrently filed reply.

  
Frances Hicks  
Petitions Examiner  
Office of Petitions